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Letter dated 11 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you, enclosed herewith, a letter dated 11 June 2002 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning threats by the United States of America to use its nuclear capability against a number of States, including Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative

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Annex to the letter dated 11 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On 10 March 2002 United States newspapers leaked information on a confidential report by the United States Department of Defense (the Pentagon) entitled "Re-evaluation of the nuclear situation", in which it is stated that the Administration of President George W. Bush had ordered the Department of Defense to prepare contingency plans for the use of nuclear weapons against China, Iraq, the Democratic People's Republic of Korea, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, the Russian Federation and the Syrian Arab Republic, and that the Department of Defense had submitted the report to the Senate on 8 January 2002. Later, senior United States Administration officials confirmed the information in the report.

This United States declaration seriously flouts the principles and goals of the United Nations, the foremost of which is the maintenance of international peace and security, and undermines the strenuous efforts which the United Nations has made for more than 50 years — and continues to make — in the direction of nuclear disarmament, beginning with the first resolution adopted by the General Assembly at its first session on 24 January 1946, which called for the "control of atomic energy to the extent necessary to ensure its use only for peaceful purposes", and ending with the resolutions adopted at the fifty-sixth session of the General Assembly, including resolution 56/24 N of 29 November 2001. This resolution stressed the central importance of nuclear-weapons States taking practical steps with the object of reducing their nuclear arsenals and diminishing the role of nuclear weapons in security policies to minimize the risk that these weapons will be used and to facilitate the process of their total elimination. General Assembly resolution 56/24 N also urged all the nuclear-weapon States to take steps leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all. General Assembly resolution 56/25 B of 29 November 2001 reaffirms that "any use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity" and that "all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons".

In the context of international efforts to reject the use or threat of use of nuclear weapons and fully to eliminate these lethal weapons, the International Court of Justice issued an advisory opinion on 8 July 1996 (A/51/218) which states in paragraph C: "A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful." Paragraph E of this opinion states that "... the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law."

Moreover, the threat by the United States to use nuclear weapons against non-nuclear-weapon States that are parties to the Nuclear Non-Proliferation Treaty is a grave violation of United States obligations under the provisions of Security Council resolutions 255 (1968) and 984 (1995). Paragraph 1 of resolution 255 (1968)

"*Recognizes* that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter". Paragraph 3 of Security Council resolution 984 (1995) "*recognizes further* that, in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression."

It is very important to recall that the General Assembly had asserted in a document of its first special session devoted to disarmament in 1978 that the taking of effective disarmament measures and the prevention of nuclear war were matters of high priority and called on all States, particularly nuclear-weapon States, to ensure that the use of nuclear weapons is averted and that nuclear war is prevented.

It is an established principle of international law that the use or threat of use of nuclear weapons constitutes a violation of the legal norms governing international relations and the United Nations Charter and poses a very serious threat to mankind and the survival of civilization. For the first time since the dawn of the abominable nuclear age following the use by the United States of nuclear weapons against two Japanese cities, human society is in fact and in earnest facing the threat that these terrifying weapons may be used. This means that the United States has gone beyond the strategy of nuclear deterrence, forsaking it for a strategy with an operational dimension as part of a policy of brute force and the imposition of its hegemony.

The international community and its institutions, foremost among which are the United Nations and the Security Council in particular, are urged to declare their strong opposition to the use of the threat of nuclear weapons as an instrument of the aggressive foreign policy of the United States, to declare their adherence to nuclear disarmament procedures and to intensify efforts to bring about the conclusion of a legally binding international instrument banning the use of nuclear weapons and furnishing non-nuclear States with security guarantees against the use or threat of use of nuclear weapons, thereby achieving the total elimination of nuclear weapons.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs
of the Republic of Iraq